

Thursday, April 30, 2015

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

Hearings are advertised for 9:00 a.m. Hearings generally proceed in the order listed, unless changed by the Planning Commission at the meeting.

ROLL CALL:

PRESENT: Jim Irving; Kenneth Topping; Eric Meyer; James Harrison; and Don Campbell

ABSENT: None

PUBLIC COMMENT PERIOD

- Members of the public wishing to address the Commission on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.
Eric Greening: speaks.

PLANNING STAFF UPDATES

- This is the time set for Planning Staff updates.

Ellen Carrol: updates Commissioners on their near term schedule.

Jim Irving: asks about the Laetitia Vineyard proposal and the Phillips 66 rail spur proposal in regards to when these items will come to hearing with Ms. Carroll responding.

CONSENT AGENDA:

- March 26, 2015 draft Planning Commission minutes

Thereafter on **Motion by:** Eric Meyer, **Second by:** Jim Irving, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Campbell, Don	x			
Harrison, James	x			
Irving, Jim	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission approves Consent Item 3 with the noted corrections to Pages 3-3 and 3-9.

COMMISSION BUSINESS

5. Letter to the Board of Supervisors regarding implementation of carbon sequestration programs. James Caruso, Project Manager
James Caruso: overviews discussion held March 26, 2015 PC regarding direction to the Chair to draft a letter regarding carbon sequestration. Presents letter for the Chairman to sign and present to the Board of Supervisors (BOS).

Ken Topping: opens Public Comment.

Mike Brown (COLAB), Eric Greening, Gary Kirkland, Bill Pelfrey, and Joy Fitzhugh (SLO Farm Bureau): speak.

Commissioners: deliberate letter and history of how this came about at another hearing while deliberating the Renewable Energy Streamlining program.

Jim Irving: provides suggestions on revisions to language in the letter.

Eric Meyer: would also like revisions to the letter and provides reasoning.

Don Campbell: feels there should be changes made to the letter. Would rather not send the letter to the Board of Supervisors (BOS) without further ag. community input and review, and provides reasoning.

Trevor Keith, staff: suggests making revisions now rather than bringing back the letter at a later date.

Ken Topping: would like the letter brought back for further discussion.

Jim Irving: formats a motion to direct staff to re-write the letter to the Board of Supervisors and return with another draft at the next available meeting time. The letter should not have technical programmatic elements which were in the original letter. The new letter should stress the voluntary element which incentivizes cooperation and discussion with the community as a whole. States this letter is intended to bring forth discussion among the Board of Supervisors on whether there is merit to this program in this community. The motion fails for lack of a second vote.

Eric Meyer: feels this could have been a benefit to the ag. community and feels the ag. community should be the one defining the benefits.

Don Campbell: feels the letter should have input from the Farm Bureau or COLAB. States he would like the agricultural community to come to the Commission for recognition and inclusion of this program.

Jim Irving: asks if the intent of the Commissioners is to have staff draft another letter and put it out for the public to comment on before it comes back to the Planning Commission. Asks members of the audience whom spoke at public comment if they are willing to work with staff on the letter contents or would they like public comment on the draft letter.

Mike Brown, COLAB: would like this letter stopped. Feels the members of the community are very involved with water discussions at this time and another complex subject such as this

one should not over shadow the immediate water concern. However, states if it is the Commission's intent is to receive comment COLAB would be pleased to work with staff.

Jim Irving: would like this letter postponed until July or August.

Joy Fitzhugh, Farm Bureau: agrees there needs to be significant changes to the language of the letter and suggests putting a committee together with stake holders.

Eric Greening: seeks clarity on whether a letter will be coming from another entity other than the Planning Commission and if there will be Public Comment/Review of the letter, and provides suggestions of study and research for carbon sequestration.

Ellen Carroll, staff: suggests another letter can be brought back in July or August for discussion, upon the Commissions discretion.

Don Campbell: would like letter to include Ms. Fitzhugh's comments regarding the establishment of a stake holder committee.

Eric Meyer: would rather have further discussion about this subject in the future to fully understand what the communities input would be.

Ken Topping: formats a motion directing staff to redraft the letter taking into account both ideas that were specifically identified in the original discussion as well as the ideas that were identified today, with the emphasis on outreach to the agricultural community in ways by which the commission can collaboratively move forward with encouraging through the Board of Supervisors (BOS) activity that would help with carbon sequestration over a longer period of time. The motion was seconded by Mr. Meyer.

Don Campbell: feels there should be further discussion rather than a letter sent to the Board of Supervisors (BOS). Would like to explore this further and feels it is too premature to begin involving the Board of Supervisors and would rather discuss this with other agricultural entities who have tried these techniques.

Jim Harrison: agrees with Mr. Campbell. Suggests the Commission not send a letter to the BOS as this is too premature, with very little community input

Jim Irving: feels the letter is a topic to be discussed and suggests the letter be drafted to the BOS asking them to form a committee to explore this subject.

Eric Meyer: asks the Secretary to repeat Mr. Toppings motion. Withdraws his "second" to Mr. Topping's motion because he liked Mr. Irving's intended motion better.

Thereafter on **Motion by:** Jim Irving, **Second by:** Jim Harrison, and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			

Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission directs staff to draft a letter for the Commission's consideration in the summer that would request the Board of Supervisors to consider some of the ideas which have been discussed, and consider forming a committee comprised of the public, various agricultural and other interested groups to discuss the subject of carbon sequestration within the county.

HEARINGS: (Advertised for 9:00 a.m.)

6. Hearing to consider a request by LARRY TURLEY for a Conditional Use Permit DRC2014-00037 to allow a conversion of an approximate 2,635 square-foot (sf) agriculture building into a wine processing facility and to allow the conversion of a 1,656 sf underground cellar into wine storage. No public tasting or special events are proposed. The winery will not participate in industry-wide events. Maximum case production is 2,500 cases annually and is limited to grapes grown on-site. The project will result in 720 sf of site disturbance on a 9.66 acre parcel. The proposed project is located within the Residential Rural land use category and is located on the east side of Ridge Rd. (at 2815 Ridge Rd.), approximately 1 miles south of the community of Templeton. The site is in the North County planning area, Salinas River sub area. Also to be considered is the approval of the environmental document. A Class 1 and Class 4 exemption was issued for this project. CONTINUED FROM 3/26/15.

County File Number: DRC2014-00037

Assessor Parcel Number: 039-371-001

Supervisory District: 1

Date Accepted: November 14, 2014

Project Manager: Holly Phipps

Recommendation: Approval

Commissioners: disclose ex-parte contacts.

Holly Phipps, Project Manager: presents staff report via a Power Point presentation.

Don Campbell: asks for clarification on the term "processing" in terms of processing grapes at the Pesenti site. Asks if the winery is bonded.

Holly Phipps, Project Manager: addresses processing questions.

Jim Irving: would like clarification regarding "no special events" in terms of the winery ordinance enabling applicant to have events and would like to condition this to include prohibitions for no special events on this property.

Tim McNulty County Counsel: confirms the Commission has the authority to impose such a condition.

Jim Dummitt, agent: provides history of the property and how this has been preserved. States Mr. Turley is not interested in creating an event venue. There is only interest in wine production and provides reasoning for request.

Larry Turley, applicant: presents reasoning for application request.

Don Campbell: asks Mr. Turley if the site is bonded with Mr. Turley responding it has been bonded and Mr. Dummit stating for the winery to be bonded it must be an approved use and that is why they are here.

Ken Topping: opens Public Comment.

Patricia Everett: speaks.

Glenn Marshall, Public Works: discusses reasoning for roads maintenance and encourages residents to contact Public Works so that the road be repaired.

Larry Turley, applicant: explains intentions in terms of processing.

Jim Irving: would like no industry wide events conditioned for the project.

Holly Phipps, Project Manager: directs Mr. Irving to Condition 2 prohibiting events.

Jim Irving: would like a condition specifically prohibiting events added. Speaks to lighting on Condition 19. Would like a requirement that after a certain time period at night the lights turn off. Would like a condition for lighting. Larry Turley, applicant: welcomes further lighting restrictions.

Eric Meyer: speaks in favor of the proposal.

Jim Irving: for the record, speaks of the conditions he would like added for preventing industry wide events, and lighting. Withdraws the lighting element of a condition request. Speaking in regards to the Paso Robles Ground Water Basin and maps being drawn to include this area asks if there is an approval today do the restrictions of the proposed ordinance apply to this application.

Tim McNulty, County Counsel: states the ordinance itself will need to be amended to reflect the boundary. States this application does not draw from the basin. Currently the boundary for this ordinance does not include this property, if in the future it does it would be for activities other than what it is proposed. Reads Condition 24 into the record.

Thereafter on **Motion by:** Jim Irving, **Second by:** Don Campbell, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Campbell, Don	x			
Harrison, James	x			
Irving, Jim	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission approves Conditional Use Permit DRC2014-00037 based on the findings listed in Exhibit A and subject to the Conditions listed in Exhibit B, adding new Condition 24 to read: 24. Tasting and Events. Public wine tasting, special events and

industry-wide events shall be prohibited"; adopted

7. Hearing to consider a request by Hanson Aggregates Mid-Pacific for a modification of an existing Conditional Use Permit and a Reclamation Plan Amendment DRC2011-00098/99 to expand the existing Santa Margarita Quarry by approximately 33 acres (thereby enlarging the quarry footprint from 160.1 acres to 193.1 acres). The proposed expansion would yield an estimated 21.5 million tons of aggregate reserves. These reserves, in combination with existing entitled reserves, would result in the quarry producing 33.2 million tons of aggregate products over a 59-year period. No increase in annual production volumes or intensity is proposed beyond the quarry's currently permitted levels. The site is in the North County Planning Area, Salinas River Sub Area, within the Extractive Resource Area (EX1) combining designation overlay. The proposed project is within the Rural Lands and Agriculture land use categories and is located at 16815 El Camino Real, approximately three miles northeast of the community of Santa Margarita. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the Initial Study, found that the Proposed Project may have a significant effect on the environment, and therefore an Environmental Impact Report was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.). The Final EIR addresses potential impacts on: Aesthetics and Visual Resources; Agricultural Resources; Air Quality; Greenhouse Gas Emissions; Biological Resources; Cultural and Paleontological Resources; Geology, Soils and Mineral Resources; Hazards and Hazardous Materials; Land Use; Noise; Public Services and Utilities; Recreation; Transportation and Circulation; and, Water Quality and Supply. Mitigation measures are proposed to address these impacts and are included as conditions of approval. A Statement of Overriding Considerations was determined necessary based on significant and unavoidable impacts associated with Noise. See Exhibit A for specific CEQA Findings and Overriding Considerations.

County File Number: DRC2011-00098/99

APN(s): 070-091-037, 070-121-021, 070-131-(003,018,022), 070-141-(006, 054) & 070-154-033

Supervisory District: 5

Date Accepted: July 6, 2012

Project Manager: Airlin M. Singewald

Recommendation: Approval

Commissioners: disclose their ex-parte contacts.

Airlin Singewald, Project Manager: presents staff report.

Commissioners: begin questioning staff.

Glenn Marshall, Public Works: explains "Haul Fees".

Airlin Singewald, Project Manager: explains batch plants in rural lands in terms of recognition of legal non conforming uses.

James Harrison: referring to Pg. 7-55 regarding processing requiring a permit for the asphalt plant. Would like clarification on why this was not included in this request. Would like the language worked on to provide more information/clarity.

Terry Marshall, applicant: presents project proposal reasoning.

Don Campbell: if production increases where do things like making new entrances fall in with the applicant responding.

Jim Irving: asks if the truck trips will not exceed more than 89 truck trips.

Terry Marshall, applicant: states maximum allowable truck trips is 294 and they may have to run that many.

Ken Topping: opens Public Comment.

Charles Kleeman: speaks.

Ken Topping: discusses Condition 10. c. in terms of the criteria by which Public Works would determine a left turn lane is not warranted.

Glenn Marshall, Public Works: explains the Public Works has hired a Civil Engineer to analyze (perform a traffic study) on this on whether it is needed or not, if not now it will be bonded and then later put in a center left turn lane.

Jim Irving: asks why a traffic study was not in the EIR and agrees with Comm. Topping that there needs to be a center left turn lane.

Terry Marshall, applicant: states there was a traffic study during the EIR process which determined there was no need to call for a left hand turn lane.

Don Campbell: asks if the traffic study included monitoring the train traffic with the applicant responding and deferring to Ms. Chambers.

Cindy Chambers: explains the traffic analysis in relation to train schedules and truck trips for peak hours of quarry operations and traffic. Ensures Commissioners this will be bonded for to have a turn lane installed at a later date. Discusses accident occurring on the road.

Ken Topping: for the record, would like a condition indicating a left hand turn lane is warranted through a new traffic study and provides reasoning.

Jim Irving: asks if the draft EIR took into account 294 truck trips a day. Also would like to know how the bonding works with Mr. Marshall responding.

Ken Topping: discusses adding reference to a new traffic study in order to satisfy his concern.

Cindy Chambers, agent: discusses what the traffic analysis is required to look at.

Ken Topping: asks for clarification on how a turn lane is warranted with Mr. Marshall explaining.

Eric Meyer: sees no need to do anything further until there is a need for it as long as the shoulder is fixed and there is sufficient funds bonded for repairs.

Terry Marshall, applicant: clarifies what the noise study covered in terms of Mr. Meyer's concerns for noise.

Jim Irving: comments on the "Haul Fee" in terms of applicant paying for the haul fee with Mr. Glenn Marshall responding and providing reasoning.

Steve McMasters, staff: further explains fees, especially the fair share contribution fee imposed in terms of the county not deferring the fees.

James Harrison: discusses expansion being 33 acres but a slide showed 35.9 acres of increase and APCD says its 44 acres, with Mr. Singewald responding.

Don Campbell: discusses the establishment future of the reclamation trail.

Thereafter on **Motion by:** Eric Meyer and **Seconded by:** Ken Topping, and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
James Harrison	X			
Jim Irving	x			
Don Campbell	x			
Eric Meyer	x			
Ken Topping	x			

The Commission extends the meeting past the noon hour lunch break until 12:30 PM.

Airlin Singewald, Project Manager: displays the language for the establishment of the Salinas River Trail easement dedication to explain the easement.

Jim Irving: discusses material being produced in terms of it being washed on site and if the water is being reclaimed with Mr. Singewald responding. Confirms there is sufficient water.

Jim Harrison: asks why it requires more water if the same material is being produced with Mr. Terry Marshall responding.

Airlin Singewald, Project Manager: reads Finding c into the record.

Ken Topping: under Condition 10 c. would like reference to an updated traffic study so that it would be worded "not currently warranted through an updated traffic study."

Airlin Singewald, Project Manager: provides language on the overhead viewer for Chairman Topping.

Eric Meyer: clarifies batch plant prohibited from using anymore than 11.7 million permitted tons of reserves with Mr. Singewald, especially in terms of the prohibition from using any materials extracted from the 33 acre area.

James Harrison: suggests using language "beyond the previous entitled reserves" with commissioners and staff being in agreement.

Thereafter on **Motion by:** Eric Meyer, **Second by:** Don Campbell, and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission certifies the final EIR, including Appendices and adopts the CEQA Findings, including the Statement of Overriding Considerations/Findings in Exhibit A and approves Conditional Use Permit DRC2011-00098 for the proposed project based on the findings in Exhibit B, changing Finding C to add "....beyond the previous entitled reserves...."; and subject to the Conditions of Approval in Exhibit D, changing Condition 6. to read "6. Establish the Salinas River Trail easement dedication. Prior to issuance of a Notice to Proceed for work in Phase II, the applicant shall record an irrevocable offer to dedicate a trail easement that is a minimum width of 25 feet on assessor parcel numbers: 070-131-021, 070-131-022, 070-141-008, 070-141-053, 070-141-072, and 070-154-033, in a location consistent with the Parks and Recreation Element for the Salinas River Trail that is approved by the Director of the Department of Parks and Recreation. The irrevocable offer to dedicate shall be in a form approved by County Counsel. The County will not construct the trail within the recorded easement until the mining operations cease, and final reclamation under Phase V has commenced."; and changing Condition 10. c. to add the word "updated" in front of "civil engineer's report"; adopted.

Thereafter on **Motion by:** Eric Meyer, **Second by:** Don Campbell

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim		x		
Campbell, Don	x			
Meyer, Eric		x		
Topping, Ken		x		

The Commission accepts all correspondence entered into the record.

ADJOURNMENT

Thereafter on **Motion by:** Jim Irving, **Second by:** Eric Meyer, and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
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Harrison, James	x			
Irving, Jim		x		
Campbell, Don	x			
Meyer, Eric		x		
Topping, Ken		x		

The Commission adjourns to the next meeting on May 14, 2015.

Respectfully submitted,
Ramona Hedges, Secretary
San Luis Obispo County Planning Commission

Minutes approved at the xx/xx/xx Planning Commission meeting.